

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jerussi et al.

Confirmation No.: 4423

Application No.: 10/720,134

Group Art Unit: 1621

Filed: November 25, 2003

Examiner: Zucker, P.

For: DERIVATIVES OF VENLAFAXINE
AND METHODS OF PREPARING AND
USING THE SAME

Attorney Docket No.: 4821-531
(JD 208423-999528)

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sepracor Inc. is the assignee of the entire right, title and interest in and to U.S. Patent Application No. 11/091,518 ("the '518 application") by virtue of an assignment from Thomas P. Jerussi, Chrisantha H. Senanayake, and Nandkumar N. Bhongle to Sepracor Inc., which was recorded on June 20, 2001 at Reel 011896, Frame 0336.

Sepracor Inc. is also the assignee of the entire right, title and interest in and to the above-identified application, i.e., U.S. application no. 10/720,134 by virtue of the same assignment because the '518 application claims priority to the present application.

Sepracor Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the '518 application, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '518 application.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the '518 application in the event that the '518 application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a

reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

A fee of \$ 130.00 is believed due under 37 C.F.R. 120(d) for the submission of this terminal disclaimer and will be paid via EFS-Web. The Director is authorized to charge any other required fees to Jones Day Deposit Account No. 503013.

Respectfully submitted,

Date June 16, 2008



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